

Frequently Asked Questions: Conveyance Process

How does MHT acquire Easements?

Answer: MHT acquires easements one of three ways: Donation/Gift, a condition of state/federal funding, mitigation under *Section 106 of the National Preservation Act*.

Does MHT accept gift easements?

Answer: The Maryland Historical Trust will consider the acceptance of an easement provided the property, building, or structure is listed *or eligible for* listing in the National Register of Historic Places, or located in a registered historic district. A donation will require that the owner submit to the Trust a letter expressing their desire to donate an easement. Owners are responsible for providing enough information to meet the Trust's requirements for acceptance of an easement.

What is the difference between a donation and conveyance?

Answer: The process for the donation or conveyance of an easement is similar. The biggest difference is that a donation is not required and is possibly eligible for a charitable tax deduction. A conveyance may be a requirement of receiving funding and is therefore extracted (not donated) and as such may be ineligible for charitable deductions.

Does the IRS accept MHT Easements for a charitable tax deduction?

Answer: The Trust's requirements for eligibility differ from those of the IRS as a "qualified property" for consideration of a charitable contribution. The Trust will accept properties that we determine as are "eligible for" listing but not actually included on the National Register, whereas the IRS requires completion or initiation of the listing process.

I've donated, now am I eligible for a tax deduction from the IRS?

Answer: As a qualified easement holding entity, preservation easements donated to the Maryland Historical Trust may be eligible for certain tax deductions. Please consult with the IRS and/or a tax professional for more information on what deductions may be available.

How long does it take for an Easement to be recorded?

Answer: Easements are tailored to meet the needs of the property owner, the individual resource, and the mission of the preservation organization. There are several steps associated with the donation or conveyance of a deed of easement. Because each easement is customized, there is no way for the Trust to definitively predict how long the development process will take. We recommend allowing for at least one year.

What items are required to begin the Draft Deed of Easement?

Answer: To develop a mutually acceptable final draft easement for your review, we will need the following items:

- ☐ **A Certificate of Title**, to which are attached complete copies of liens, encumbrances and rights-of-way upon the property.
- ☐ **A copy of the most recent recorded deed(s)** for the property by which the present owner(s) acquired title to the property.
- ☐ **A legal property description** (metes and bounds) in paragraph form (if not in the deed) for the easement property.
- ☐ **A scaled site plan or plat** locating the building(s) footprint(s) and identifying the metes and bounds, as described in the written legal property description. (The legal property description in item #3 must match the scaled site plan.)

Additional required items for Organizations and Corporations:

- ☐ **Corporate Resolution(s)** to convey an easement to the Maryland Historical Trust on the property which will benefit from the program; the name, title and signature of the person(s) authorized to sign the Deed of Easement and receive future notices.
- ☐ **A Certificate of Good Standing from the Maryland State Department of Assessments and Taxation**, visit their website at www.dat.state.md.us for more information.
- ☐ **Articles of Incorporation and Bylaws.**
- ☐ **Approved Capital Project Grant Application** (for Bond Bills, provided by Board of Public Works and/or Department of General Services).

Who drafts the Deed of Easement?

Answer: The Office of the Attorney General will prepare the easement document. All attorneys will have the opportunity to review and approve of the draft easement prior to the preparation of a final easement.